

## **FINAL CONDITIONS OF APPROVAL**

**MEETING DATE:** March 10, 2020

**TITLE:** Conditional Use Permit and Tentative Tract Map for the Development of a Medical Marijuana Cultivation Facility

**CASE NO:** CUP No. 20-16

**PREPARED BY:** John Thomason, Contract Planner

**REVIEWED BY:** Rebecca Deming, Community Development Director

### **Planning Department Project Specific Conditions**

1. This approval is for an application to construct a building complex for the indoor cultivation and manufacturing of medical marijuana. The gross size of the project is approximately 27 acres. Only a portion of the site (3.83 acres) is being utilized for this Conditional Use Permit – Lot 2 is the only lot that the applicant is proposing construction of cultivation facilities at this time. Phase 1 would include grading of the entire site and the development of Lot 2 would include a 116,760 SF development.
2. The project shall comply with DHSMC Chapter 17.48 (Off-Street Parking Standards) as applied by staff prior to the issuance of building permits. The Director of Community Development shall have authority to approve substantial changes to the floor plan and/or site plan for the project to comply with the parking standards.
3. The interim phase for temporary facilities shall require a Temporary Use permit approval by the Planning Department and shall only be granted once plan check submittal, including fee paid, has been made to the Building Department for the approved permanent facilities.
4. Prior to issuance of building permit for the interim facility the applicant/developer shall provide the Planning Department with the following materials:
  - a) Security Camera Plan
  - b) Perimeter Fence Plan
  - c) Lighting Plan /Photometric of the Site
  - d) Building Elevations

5. The lighting plan, parking plan, landscape plan, street/infrastructure plan shall conform to the improvements shown on that portion of the permanent plan. Small modifications of the required infrastructure and site improvements for temporary facilities may be, at the discretion of the Director of Community Development.
6. The interim facilities shall be adequately screened with fencing, landscaping, and other screening/aesthetic improvements to the satisfaction of the Planning Department.
7. Prior to Certificate of Occupancy for the temporary phase, the applicant/developer shall install all site improvements for that portion of the site.

#### **Standard Administrative Conditions**

8. The approval of CUP 20-16 is subject to the (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 and 16.24.160 and will expire on March 10, 2021.
9. The applicant may request an extension of time for CUP 20-16, per the City's Zoning Ordinance Sections 17.76.090 and 16.24.170. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
10. Applicant/developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings, including those involving environmental issues, against the City to attack, set aside, void, annul, and/or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning the entitlement application. City shall promptly notify both the Applicant/developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
11. All development on the Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable

provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.

12. No Certificate of Occupancy (CofO) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering, Building, and Fire Departments unless otherwise identified herein.
13. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for CUP 20-16 as shown in all Exhibits and incorporated herein by this reference.
14. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.
15. The applicant/developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.

Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at (760) 346-1127. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at (760) 416-6159.

#### **Standard Environmental/Tribal Mitigation Conditions**

16. The applicant/developer shall implement all mitigation measures and monitoring program requirements outlined in the Environmental Documents.
17. If the project involves any ground disturbance applicant/developer shall hire a paleontological monitor and shall be responsible for payment of all related expenses. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved.

18. The applicant/developer shall provide the consulting tribes the following;
  - a. Cultural resources inventory of the project area (by a qualified archaeologist) prior to any development activities in the area.
  - b. Copy of the records search with associated survey reports and site records from the information center.
  - c. Copies of any cultural resource documentation (report and site records) generation in connection with this project.
19. The applicant/developer shall have an approved Cultural Resource/Tribal Monitor on site during any ground disturbing activities (including archeological surveys). Should buried cultural resource be encountered, the Monitor may request that desiccative construction halt and the Monitor shall notify a Qualified Archeologist to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and each of the consulting Tribal Preservation Office's.
20. In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Desert Hot Springs immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the Native American Heritage Commission in accordance with California Public Resources Code 5097.98. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

21. **MM 1 - Prior to grading permit issuance:** If there are any changes to project site design and/or proposed grades, the Applicant shall contact the consulting tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City of Desert Hot Springs, Applicant and interested tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the Project. The Applicant will make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site if the site design and/or proposed grades should be revised in consult with the City of Desert Hot Springs. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in place despite all feasible alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject any future development, erosion or flooding.
22. **Archaeological Monitoring:** The Developer, the City and the consulting tribe(s) shall develop an archaeological monitoring plan to address details, timing and responsibilities of all archaeological activities that will occur at the project site, when it is determined by either the city or the consulting tribe(s) to be necessary. Details of the plan may include:
- a. Project grading and development scheduling;
  - b. The development of a rotating or simultaneous schedule in coordination with the applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists;
  - c. The protocols and stipulations that the Developer, City of Desert Hot Springs, the consulting tribes and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;
  - d. Archaeological Monitoring Plan shall take into account the potential impacts to undiscovered buried archaeological and cultural resources and procedures to protect in place and/or mitigate such impacts.
23. **MM 3 - Treatment and Disposition of Cultural Resources:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:
- a. **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location

onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and

- b. **Treatment and Final Disposition:** The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Desert Hot Springs with evidence of same:
- i. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
  - ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
  - iii. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Agua Caliente Cultural Museum.
  - iv. At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City of Desert Hot Springs documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the consulting tribes and Eastern Information Center and interested tribes.

#### **Standard Planning Conditions**

24. Any/all permits may be subject to revocation if the

applicant/developer/project is not in compliance with all of the conditions of approval contained herein.

25. Outdoor sales of sales of marijuana and marijuana products prohibited. Other types of activities or special events are prohibited unless the applicant has a Temporary Use Permit approved subject to the provisions of Section 17.136 of the Desert Hot Springs Municipal Code.
26. Should odors emanate from the building or project site in the future, the applicant/developer/proprietor shall be required to submit revised plans and equipment specifications demonstrating techniques to control odors and shall submit those plans/documents/specs to the planning department for review and approval.
27. For any extractions that will be conducted, inspection and approval of those facilities will either be through our Fire Department or through a certified or other engineer as the City Manager deems appropriate for approving those types of operations.
28. The Applicant/developer shall maintain the Project Site after the start of construction and until the Project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days notice by certified mail, the Applicant/developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the Project Site with City staff and remove all subject violations, bill the Applicant/developer and/or put a lien on the Project Site.
29. All walls and trash enclosures shall have a decorative wall surface and a decorative cap that are consistent with the overall architecture of the project. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
30. Applicant/developer shall construct or remodel an existing trash enclosure in location per the approved Site Plan. The trash enclosure shall be constructed per City Standards.
31. All new breaker boxes, fire sprinkler risers, utility conduits, and drain pipes shall be interior to the building. Any exposed pipes are specifically prohibited. All new drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.

32. All mechanical equipment, either roof or ground mounted, and shall be screened from public view. All such equipment shall be fully screened by the roof structure, a parapet wall, appropriate ground mounted walls, berming, or landscaping. All walls shall architecturally match the building.
33. The applicant shall submit a Sign Permit to be approved by the staff to include the following:
  - a. All signage for in-line tenants shall be channel letters.
  - b. No sign shall have exposed raceways or conduits.
  - c. All signage shall comply with the Desert Hot Springs Municipal Code.
  - d. All signs that are removed shall be painted and patched immediately.
34. At no time shall the combination of uses or activities conducted with the building exceed the total demand for parking, as calculated in the City's Zoning Code and as provide on site according to the approved site plan. Any change to the floor plan shall be subject to review and approval by the Planning Department.

#### **Standard Landscaping/Parking Conditions**

35. All new industrial development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at [www.mswd.org](http://www.mswd.org)). This policy requires outdoor water conservation practices within MSWD's service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate.
36. The applicant shall prepare a Final Landscape Construction and Irrigation Plan that is prepared by a licensed landscape architect subject to the following:
  - a. Approval from the Planning Department
  - b. Approval from Mission Springs Water District
  - c. A plant landscape legend, including a specific symbol for each plant species used, size (i.e., caliper, gallon, box, or brown trunk height, and/or quantity) and whether it is deciduous or evergreen.
  - d. Provide the total percentage of evergreen trees of all trees not including palm trees as evergreen.
  - e. Clear indication where landscaping will be used to screen mechanical,



- electrical, and irrigation equipment.
  - f. A detail showing planter design adjacent to walkways and driveways that is designed to prevent soil and/or decomposed granite from flowing onto walkways and driveways. There shall be a minimum two-inch vertical separation between the pavement and the soil.
  - g. Plant and tree installation and staking details.
  - h. Details on how vines will be attached to the structural elements.
  - i. Install a row of trees and ground cover across the rear property line.
37. Site landscaping shall comply with the City Guidelines and Water Conservation policies regardless of whether the items are illustrated on the Construction Landscape Plans:
- a. Plants and trees shall be primarily of drought tolerant species compatible with the desert environment.
  - b. Projects shall minimize the use of turf.
  - c. At least fifty percent (50%) of the trees shall be evergreen species.
  - d. All trees in parking lots shall be centered between parking spaces to provide optimal shading.
  - e. All single trunk trees shall be double staked and multi-trunk trees shall be staked appropriate to the species of tree.
  - f. Arbor guards shall be installed around trees in turf areas.
  - g. Projects located along major arterials and/or streets shall comply with the street tree requirements of the Design Guidelines.
  - h. Planter areas shall be surrounded by a concrete mow strip or other hard surface.
  - i. All ground-mounted equipment, such as mechanical, electrical, and irrigation equipment (backflow preventers), shall be located within a landscape planter. This equipment shall not be located within a turf area and shall not be visible from public view.
  - j. Any drain that terminates in a planter shall have a splash guard.
  - k. All palm trees shall have a brown trunk height of twenty (20) feet.
  - l. The site shall have a maximum of twenty-five percent (25%) fifteen (15) gallon trees and all other trees shall be thirty-six (36) inch box or greater.
  - m. All trees twenty-four (24) inch box or greater shall be verified as to size by the project planner who shall ensure that each tree has diameter of three (3) inches five (5) inches from the ground level.
  - n. All changes of species made by the Mission Springs Water District shall have concurrent approval from the Community Development prior to final approval.

38. Parking spaces adjacent to any planter shall have a width totaling eleven (11) feet, or the landscape finger or planter curb be an extra foot wide to protect the landscaping.
39. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
40. All redwood headers are specifically prohibited from use on the project site.

### **Standard Graffiti Conditions**

41. The Applicant/developer and/or successor(s) in interest shall be responsible for the removal of any graffiti vandalism from the project site (exterior building surfaces and/or exterior walls/fences) within 48-hour after discovering the graffiti vandalism or receipt of notice from the City of the same. The Applicant/developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
42. The Applicant/developer and/or successor(s) shall apply (and maintain) a protective coating or graffiti resistant materials acceptable to the City's Public Works and/or Community Development Department, to provide for the effective and expeditious removal of graffiti on all exterior building elevations and/or project walls and/or replacement of defaced screening panels.
43. The Applicant/developer and/or successor(s) in interest hereby agrees to allow the City and/or its agents to enter the property for the purpose of removing or painting over graffiti vandalism, if the Applicant/developer and/or successor(s) in interest fail to remove the reported graffiti vandalism within the 48 hours of discovering the graffiti or receipt of notice from the City.
44. The Applicant/developer and/or successor(s) in interest shall, to the extent feasible, have designed a building structure visible from any public or quasi-public place in such a manner to consider prevention of graffiti, including, but not limited to the following:
  - a. Use of additional lighting;
  - b. Use of non-solid fencing;
  - c. Use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; or

- d. Use of architectural design to break up long, continuous wall or solid areas.

### **Standard Lighting Conditions**

- 46. The Applicant shall submit an exterior Lighting Plan in compliance with all relevant sections of the DHSMC; include a photometric analysis, to the City Planner for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:
  - a. Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the Project Site and shall be directed downward and away from adjoining properties and the public right-of-way.
  - b. All lighting outdoor lighting including fixture shall direct lighting downward.
  - c. The type of fixtures, including height, material, and color.
  - d. The total height of all freestanding lighting fixtures shall not exceed 18 feet.
  - e. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
  - f. That the bolts connecting the light fixture to the base shall be covered.
  - g. The lighting on-site shall provide 100-foot face recognition
- 47. Prior to the issuance of a Certificate of Occupancy the lighting shall be inspected by the Police Department and Community Development Department and requested changes for safety shall be implemented. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
- 48. Applicant/developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.

### **Standard Building & Safety Conditions**

- 49. Project shall comply with the adopted California Building Standards Code (Title 24, California Code of Regulations) and other adopted City Ordinances, at the time of submittal for plan check, which include the following:
  - a. CA Building Code
  - b. CA Plumbing Code

- c. CA Mechanical Code
- d. CA Electrical Code
- e. CA Fire Code
- f. CA Green Building Standards Code
- g. CA Energy Code

50. As applicable, automatic fire sprinkler systems shall be installed in all new construction as per Chapter 9 of the California Building code and per City Ordinance. Design and type of system shall be based upon the requirements of the California Building Code, the California Fire Code and the requirements of the Fire Department.
51. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
52. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall obtain a Temporary Use Permit and comply with the City of Desert Hot Springs requirements.
53. All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the property line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the property line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
54. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
55. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building Department. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

### **Standard Construction/Demolition Activity Fire Safety Conditions**

56. Smoking shall be prohibited except in approved areas. Signs shall be posted in accordance with Section 310. In approved areas where smoking is permitted, approved ashtrays shall be provided in accordance with Section 310.
57. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
58. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
59. Structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with section 906 and sized for not less than ordinary hazard as follows:
  - a. At each stairway on all floor levels where combustible materials have accumulated.
  - b. In every storage and construction shed.
  - c. Additional portable fire extinguishers shall be provided where special hazards exist including hazards exist including, but not limited to, the storage and use of flammable and combustible liquids.

### **Police Department Standard Conditions**

60. The applicant/developer shall comply with all applicable federal, state and City laws and regulations.
61. The applicant/developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
62. Every area of the proposed development must be visible either from the street or from the structure. Unavoidable dead spaces or hidden/secluded areas require additional mitigating measures which may include increased lighting, hostile landscaping, security surveillance cameras, perimeter fencing and/or security gates, on-site security guards or other mitigating measures deemed appropriate by the Police Department.
63. Applicant/developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.

64. Lighting shall provide face recognition at 100 feet.
65. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
66. Secluded or hidden interior corridors are strongly discouraged by the Police Department. For uses utilizing said corridors, mitigation measures shall be required and may include increased lighting, security surveillance cameras, controlled access, on-site security guards or other mitigating measures deemed appropriate by the Police Department.
67. The applicant and operator shall at all times implement the Utilize Crime Prevention Through Environmental Design (C.P.T.E.D) throughout the project, as follows:

CPTED Principle #1 – Natural Surveillance

"See and be seen" is the overall goal when it comes to CPTED and natural surveillance. A person is less likely to commit a crime if they think someone will see them do it. Lighting and landscape play an important role in Crime Prevention Through Environmental Design.

CPTED Principle #2 - Natural Access Control

Natural Access Control is more than a high block wall topped with barbed wire. Crime Prevention Through Environmental Design or CPTED utilizes the use of walkways, fences, lighting, signage and landscape to clearly guide people and vehicles to and from the proper entrances. The goal with this CPTED principle is not necessarily to keep intruders out, but to direct the flow of people while decreasing the opportunity for crime.

CPTED Principle #3 – Territorial Reinforcement

Creating or extending a "sphere of influence" by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of an area to develop a sense of proprietorship over it is the goal of this CPTED principle. Public areas are clearly distinguished from private ones. Potential trespassers perceive this control and are thereby discouraged.

CPTED Principle #4 – Maintenance

CPTED and the "Broken Window Theory" suggests that one "broken window" or nuisance, if allowed to exist, will lead to others and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties are breeding grounds for criminal activity. We will work with you to develop a formal CPTED based maintenance plan to help you preserve your property value and make it a safer place.

68. Prior to issuance of building permits, the site plan shall indicate all perimeter walls and fences to be of a design to prevent or discourage scaling & graffiti.
69. Prior to issuance of building permits, that landscape plan shall be amended to include drought tolerant “hostile vegetation” shall be used when possible under windows and around the fence line.
70. Prior to issuance of building permits, a photovoltaic survey shall be prepared and submitted with the proposed lighting plan. The lighting plan shall be reviewed to assure that:
  - a. Lighting provides adequate visibility, face & color recognition, and a sense of security for employees and visitors.
  - b. LED and/or Metal Halide lights are recommended.
  - c. Lighting shall be shielded through the use of fixture design and placement, and shrouds so that spillover at the property line is minimized.
  - d. Prior to issuance of Regulatory permits, the security plans shall indicate that motions sensors are installed on the building rooftops, subject to review and approval by the City of Desert Hot Springs Police Department. Specifications for the motions sensors shall be included in the building plan set.
71. At no time shall any plant materials, plant products, or plant-derived products be visible from any public areas.
72. Prior to issuance of building permits, the plans shall be amended to indicate the location and type of all gate control and access equipment and/or systems (e.g. Knox box, keypad, radio control, etc.) Prior to issuance of occupancy permits, the applicant will provide all access equipment, materials, codes, etc. to the City of Desert Hot Springs Police Department.
73. All delivery vehicles shall be equipped with GPS location equipment, which shall be maintained and available at all times.
74. All employees, regardless of status, shall be subject to Live Scan or similar security clearance through the City of Desert Hot Springs Police Department. All employees shall be issued photo ID cards and shall keep the card on her/his person at all times.
75. Any private security service that uses security guards with uniforms shall assure to the satisfaction of the City of Desert Hot Springs Police Department that the uniforms are sufficiently different in appearance from any uniform of the Police Department, Riverside County Sheriff or other local police department.

76. Security cameras shall be utilized to capture video of the perimeter of the building as well as interior areas of importance. The exterior shall have cameras two camera on each exterior wall. The interior shall have cameras covering areas of operation, registers, and one facing the entrance door from the inside to capture video of each person as they enter. The camera system shall have recording and back up capabilities for 90 days and will be made accessible to the Police Department on demand.
77. Prior to issuance of Regulatory Permits, the applicant shall provide in the security plan that at all times at least one member of the dispensary management or staff has knowledge of the operation of all video surveillance equipment and is capable of assisting the Police Department at any time the Police have need of such assistance.
78. Prior to issuance of Regulatory permits the security plans shall show the location of camera to be installed.

#### **Engineering Department Conditions**

79. Prior to the issuance of a certificate of occupancy the applicant/developer shall annex to Community Facilities District No. 2010-1 for the maintenance of:
  - a. Landscape/Hardscape
  - b. Streetlights
  - c. Drainage Basins/Storm Drain Facilities
80. Applicant/developer shall pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to annex the Community Facilities District No. 2010-1 and the City fee for processing the request, prior to the issuance of an occupancy permit.
81. The applicant/developer shall pay the Five Thousand Dollars (\$5,000) cost for the City's consultant to annex to PTAX2 and the City fee for processing the request, prior to the issuance of an occupancy permit.
82. Applicant/developer shall submit the following items for approval from the Engineering Department:
  - a. Grading Plans with the street address for each lot and/or building foot prints
  - b. Storm Drain/Drainage Plans
  - c. Street Improvement Plans
  - d. Street Lighting Plans
  - e. Composite Utility Plans(Sewer and Water Plans – submit to Mission Springs Water District)



83. If not all of the improvements are completed before the applicant/developer applies for a Certificate or Temporary Certificate of Occupancy, the applicant/developer shall submit the following items for approval with the submittal of the Improvement Agreement for the project;
  - a. Soils Report
  - b. Title Report
  - c. Preliminary Grading Plan
  - d. Hydrology Report
  - e. Utility master plan
84. The following conditions apply to both Phase I and Phase II except where specific reference is made to the specific phase. Reference to the conditions would be applicable to the phase being constructed.
85. Prior to the installation of any improvements in the public right-of-way (ROW), an encroachment permit shall be obtained from the City Public Works Department.
86. If imported or exported soil material is necessary, a grading plan of the borrow or stockpile area shall be filed and approved by the City prior to the approval of the grading plans for either phase of the project.
87. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
88. There shall be no encroachment into public rights of way for construction trailers, equipment, trash bins, portable toilets, or materials; all of which shall be kept on-site. Construction access to the site shall be by an approved driveway, entry, or curb cut; no asphalt ramps or curb jumping is permitted.
89. At no time shall any adjacent streets for the project be allowed to be used for construction staging, storage or other such construction related activities. Access by heavy equipment shall be limited to the minimum number of trips essential to completing the construction. Any damage to the existing public roadways, sidewalks or other infrastructure shall be repaired or replaced by the Applicant's contractor at his own expense, as directed by the Public Works Manager.
90. Applicant/developer shall submit an owner-and contractor-signed PM10 Dust Control Implementation Plan in accordance with the standards and codes of the City and the South Coast Air Quality Management District (SCAQMD). Plans shall be submitted for review and approval by the Public Works Department prior to the issuance of any grading and/or applicable building permits.
91. Applicant/developer shall comply with the National Pollution Discharge

Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB) regulations. The Applicant/developer shall submit a Project Specific Stormwater Pollution Prevention Plan (SWPPP) to comply with the California General Permit for Stormwater Discharges Associated with the Construction Activity, prior to the issuance of a grading permit. For projects larger than 1 acre, the Applicant/developer shall obtain all required permits from the California Regional Water Quality Control Board (RWQCB) and submit a copy of the Notice of Intent (NOI) and the Waste Discharge Identification Number (WDID#) to the City's Public Works Department prior to the issuance of the any grading permit.

For further information contact the RWQCB at:

California Regional Water Quality Control Board (RWQCB),  
Colorado River Basin Region,  
73-720 Fred Waring Drive #100  
Palm Desert, CA 92260

(760) 346-7491

[www.waterboards.ca.gov/colorariver](http://www.waterboards.ca.gov/colorariver)

92. Phase II, the on-site driveways and parking areas shall be improved with asphalt or concrete paving, permeable pavers, curbs, gutters, and appurtenances as shown generally on the approved site plan. The thickness of pavement shall be determined by the Applicant's engineer based upon "R" value tests taken of the soils and appropriate traffic indices to be determined by the engineer, all subject to approval by the City Engineer.
93. Phase II, all on-site paving, curbs and gutters, sidewalks, ramps and other site work shall be constructed to City standards, subject to the improvement plans approved by the City Engineer.
94. Phase I, all on-site access shall be capable of supporting a 60,000-pound two axle wheel load pursuant to the standards of the Riverside County Fire Department for all weather access.
95. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
96. The applicant/developer/Contractor shall comply with section 8.08 Recycling and Diversion of Waste from Construction and Demolition of the Municipal Code and file a Plan with the City's Building Department prior to the start of any construction.
97. The applicant/developer shall construct street improvements on the following streets:

- a. Improve 30 feet of right of way on the west side of the centerline of the proposed north/south street up to the point of driveway access(s) for either phase and 44 feet of the north side of 18<sup>th</sup> Avenue to the easterly tract boundary to City Standards.
  - b. Provide paved access from the westerly tract boundary along 18<sup>th</sup> Avenue to Little Morongo and on Little Morongo Road from 18<sup>th</sup> Avenue to Dillon Road. The paved access shall be capable of supporting a 60,000-pound dual axle wheel load per Riverside County Fire Department Standards for all weather access.
  - c. The street improvements shall include construction of asphalt concrete pavement, curb/gutter, sidewalk, streetlights, catch basins, storm drains, and fully landscaped and irrigated along the property frontage for Phase II only. Phase I shall be required to provide paved access per the standard indicated in b. above.
  - d. Improvements shall include removal and construction of existing street improvements that are severely damaged and/or not in compliance with City Standards.
  - e. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
98. All street improvements including the energizing of street lights and installation of irrigation and landscaping along:
- a. North/South Street and 18<sup>th</sup> Avenue shall be constructed and accepted by the City Public Works Department prior to the issuance of occupancy.
99. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.
100. All project streets shall be maintained as private streets until such a time as they are fully improved to City Standards and accepted by the City Council.
101. Applicant/developer shall submit a project specific Hydrology Report, using Riverside County Flood Control and Water Conservation District's Hydrology Manual for City review and approval.
102. No nuisance water shall escape the site onto public streets.
103. The applicant/developer shall provide on-site storm water retention basin(s) or system(s) designed to the satisfaction of the City Engineer. Each retention basin or system be to eliminate standing water. The retention basin or system shall be sized to retain all post-development storm water

runoff within the limits of the project based on a 100-year storm event of 24-hour duration and shall completely drain/percolate any storm event within 72 hours. All upstream runoff from adjacent properties that has historically been directed onto the proposed project may be considered to pass through the project with the exception of historical retention that occurred on-site. The retention basin shall be designed with a maximum depth of 5 feet and maximum side slopes of 3:1 and shall not be used for purposes other than for the collection of storm water, nuisance water and well blow-off water.

- a. Any other facilities required in the drainage/hydrology study shall be designed and installed as detailed in Section 15.68, Flood Plain Management, and Section 15.72 Floodplain Construction of the Desert Hot Springs Municipal Code.
  - b. All retention basins/systems shall be located on site; off-site retention basins/systems are specifically prohibited.
  - c. Retention Basin Vehicular Access - Vehicular access shall be provided for maintenance of the retention basins to the satisfaction of the City Engineer. The City Engineer shall determine the need and/or design of such access. The grading of a "road" to the bottom shall comply with health and safety standards and shall meet the requisite design requirements including geometries and capacity of the basin(s). Any basins designed to ultimately retain 2 feet of water or more during the 100 year storm event shall be fenced to prohibit unauthorized entry. Maintenance of retention basins and drainage system shall be the responsibility of the Applicant/property owner/operator
104. The design of the on-site grading, street improvements and the storm drainage improvements shall be coordinated with all adjacent projects to the satisfaction of the City Engineer.
105. Applicant/developer shall prepare and submit a Project Specific Preliminary and Final Water Quality Management Plans pursuant to the Whitewater River Region Water Quality Management Plan for Urban Runoff.
106. Proposed street striping shall be per City standards.
107. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.
108. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
109. Applicant/developer shall enter into a water and sanitary sewer service agreement with the Water and Sewer Purveyor serving the area.

110. If not all of the improvements are completed before the Applicant/developer applies for a Certificate or Temporary Certificate of Occupancy the Applicant/developer shall file an improvement agreement with security to guarantee completion of public improvements as follows:
- a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code.
  - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements.
  - c. If the required project improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the Applicant/developer by an amount corresponding to the amount of the security furnished by the contractor.
  - d. Notwithstanding the above, the Applicant/developer may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
111. Security may be one of the following types subject to the approval of the City Engineer and City Attorney as to form:
- a. Bonds - All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in California, together with an acceptable policy holder's rating. The bond(s) shall contain the nearest street address of the institution providing the bond(s).
  - b. Cash Deposits - In lieu of the faithful performance and labor and material bonds, the developer may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described.
    - i. Disbursements from cash deposits shall be made in compliance with a separate agreement between the developer and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the City Engineer.

112. All improvement agreements shall be approved by the City Attorney and City Council. Security for the agreement shall be approved by the City Attorney and Finance Director.

### **Fire Department Conditions**

159. Applicant/developer shall provide a water system capable of delivering a minimum fire flow of 1,500 gallons per minute for 2 hours duration at twenty (20) pounds per square inch (PSI) residual operating pressure, which must be available before any combustible material is placed on the construction site. **The minimum required GPM and PSI may change during official plan check.**
160. The greenhouses must be type IIB. All framing needs to be non-combustible, unless it is permitted per Section 603.
161. The Applicant/Owner shall install Knox Boxes as approved by the Fire Department subject to the following:
- On Structures the Knox Box shall be installed next to the Fire Department access door and be flush with the building.
162. 503.6.1 Automatic opener. New motorized gates shall be provided with means to be automatically opened remotely by emergency vehicle in accordance with Riverside County Fire Department standards and Policies, as may be amended from time to time.
163. If the buildings are protected with a FIRE alarm system, the lock box shall be required to have tampered monitoring.
164. Required order forms and installation standards may be obtained at the Fire Department Headquarters at 77933 Los Montana's in Palm Desert or Desert Hot Springs City Hall
165. Applicant/developer shall display street numbers in a prominent location on the address side of building(s) and/or rear access if applicable. Numbers and letters shall be a minimum of twelve (12) inches in height except for building(s) greater than twenty-five (25) feet in height which shall have a minimum letter height of twenty-four (24) inches. In complexes with alpha designations, letter size must match numbers. All addressing must be

legible, of a contrasting color, and adequately illuminated to be visible from street at all hours.

166. The Applicant/developer shall submit three (3) sets of construction drawings to the Riverside County Fire Department Headquarters located at 77933 Los Montana's in Palm Desert for review and approval prior to issuance of any permits. Said construction drawings shall demonstrate Project adherence to all provisions of the currently adopted Uniform Fire Code.
167. Applicant/developer shall install a portable fire extinguisher, with a minimum rating of 2A-10BC, for every 3,000 sq. ft. and/or seventy-five (75) feet of travel distance. Fire extinguishers shall be mounted three and a half (3.5) to five (5) feet above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.
168. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in 2016 California Building Code. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building, unless approved through a plan review process.
169. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2016 California Building Code. **The exiting appears to be inadequate. Please address prior to submitting official plans.**
170. Fire apparatus access roads shall be 30' in width with no parking allowed on either side of the access road with a 38' turning radius
171. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
172. Fire Equipment such as electrical room doors, FACP, fire riser, roof access shall be labeled by the Applicant/developer and be approved by the Fire Department.
173. Access shall be provided to all mechanical equipment located on the roof as per the 2016 California Mechanical Code.
174. Fire sprinklers shall be installed in all buildings greater than 3,600 square feet in floor area to the satisfaction of the Fire Marshal.
175. Shall install a fire alarm system.
176. Emergency and standby power systems shall be installed in accordance with CFC, CBC, NFPA 110, and NFPA 30.

177. An on-site acceptance test for generators shall be conducted as a final approval. The test of the transfer switch shall consist of electrically operating the transfer switch from the normal position to the alternate position and then return to the normal position.
178. No smoking sign shall be posted at generators.
179. NFPA 704 placard shall be posted where applicable.
180. Shall provide equipment technical data sheets for the access control egress door.
181. Shall provide equipment technical data sheets for the type of plastic to be hung in grow room. Shall be a minimum Class C finishing per CFC 803.9.
182. Shall submit separate plans for CO2 enriched environment and have a California licensed Engineer design to RCFD Technical Policy TP 16-005.
183. Shall submit separate plans for extraction system plans and have a California licensed Engineer design to RCFD Technical Policy TP 16-004.
184. Shall provide sequence of Operation for access control egress doors and shall comply with all requirements per CFC 1008.1.9.8
185. Shall provide equipment technical data sheets for the type of lamps to be used.

### **Water and Wastewater Conditions**

#### **Water Service**

Water service is currently available for the project subject to the following conditions of service:

186. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time that any new water service application is submitted. MSWD ordinance requires that water service, including irrigation and fire services, shall not cross parcel boundaries to serve a second property.
187. The developer shall be required to design and construct a new 12" diameter ductile iron water main in 18<sup>th</sup> Avenue from the existing 12" water main in Indian Canyon Drive to the east boundary of the property. MSWD requires 6" fire hydrant assemblies at each intersection and at +/- 600' intervals on the improved streets as well as a 12" isolation valve will be required at the east terminus of the main so future extension will not interrupt service or fire protection.



188. Construction of the new 12" main shall include abandonment of the existing 8" diameter water main in 18<sup>th</sup> Avenue from North Indian Canyon to Louise Street, including transfer of all existing services and appurtenances to the new main.
189. MSWD shall require installation of a fire hydrant assembly for use as a blowoff and a 12" gate valve at the east boundary line.
190. The developer shall design and construct 12" ductile water mains for commercial water service in any public or private streets proposed as part of this development.
191. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
192. Installation of private fire line services may be required per Riverside County Fire Department Standards. Double check detector assemblies (DCDA) per MSWD Standards will be a requirement at the time of installation.
193. The developer must submit hydraulic calculations to the District indicating the availability of the required fire flows as determined by the Riverside County Fire Department. These calculations shall be based on a current fire hydrant flow test which can be ordered through the MSWD Engineering Department.
194. The developer shall comply with all District standards, specifications and conditions, final approval of all design plans shall be by the District Engineer or his/her designee, and the District's General Manager.
195. The developer shall provide plumbing plans with fixture units for District review of meter and service size.
196. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
197. The developer is required to apply for water service and submit payment of District fees, charges, and deposits. The water meter and connection fees will be based on the actual meter sizes and quantities shown on the approved plans. All fees are subject to change based on the time of application for services from the District.

198. The developer will be required to bond all infrastructures and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure or any required warranty repair.

### **Septic System**

Sewer service is currently unavailable for the property. Dry sewers will be required offsite and onsite. The following conditions apply to the installation of septic system(s) in order to assure protection of groundwater quality:

199. MSWD requires submittal of proposed plumbing plans showing all connections to the septic system(s) and the size and location of the proposed disposal system(s) for the project.
200. Future point of connections shall be to a sewer flowing east in 18<sup>th</sup> Avenue.
201. The developer shall design and construct dry sewers in any public or private streets proposed as part of this development.
202. MSWD will require a Report of Waste Discharge for the project. The report shall be prepared by a qualified Licensed Professional Engineer in accordance with the requirements currently in use by the California State Water Resources Control Board (CSWRCB). The report shall be submitted to, and approved by, the Regional Water Quality Control Board and/or Riverside County Health Department as determined by CSWRCB to determine if enhanced treatment is required.

### **Dry Sewer System**

Sewer Service is currently unavailable in this area. Once sewer service is established, the developer will be required to hook up to the sewer system and the following conditions of service shall apply:

203. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.
204. The developer shall be required to design and construct all public sewer infrastructures adjacent to the project required to facilitate said sewer service. Gravity main size will be 8" minimum diameter or as specified by

MSWD. All design and construction shall be at the developer's expense. The dry sewer shall be designed to connect to a manhole on a sewer main flowing east in 18<sup>th</sup> Avenue.

- 205. MSWD requires a 6" minimum diameter sewer lateral for all commercial projects; no lateral shall serve more than one parcel without prior written MSWD approval.
- 206. The developer shall comply with all the District standards, specifications and conditions, and have final approval of all design plans by the District Engineer or his/her designee, and the District General Manager.
- 207. The developer/property owner shall complete an application for sewer service with payment of all applicable fees, charges and deposits at the time of application (i.e., multi-family, residential, commercial sewer connection fees per current MSWD fee schedules).
- 208. MSWD requires submittal of proposed plumbing plans showing all connections to the public sewer system and the size and location of the proposed lateral for the project.
- 209. MSWD requires a Report of Waste Discharge for the project. MSWD will review the waste water quality and determine if any pretreatment process is required. The report shall be prepared by a qualified Licensed Professional Engineer in accordance with requirements currently in use by the California State Water Resources Control Board.
- 210. The developer will be required to bond all infrastructures and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure.

## **Landscape**

### **As applicable per City requirements:**

All new and rehabilitated residential and commercial development shall comply with the *Mission Springs Water District's Water Efficient Landscaping Guidelines* (guidelines are available at [www.mswd.org](http://www.mswd.org)). This policy requires outdoor water conservation practices within the MSWD service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers,

etc.) appropriate to an arid desert climate. For additional details regarding plan check and inspection fees, please contact Theresa Murphy via email at [tmurphy@mswd.org](mailto:tmurphy@mswd.org) or (760) 329-5169 ext. 126.